

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-6 are pending with Claims 1, 5 and 6 amended by the present amendment.

In the Official Action, Claims 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rydbek et al. (U.S. Patent No. 6,108,562, hereinafter Rydbek); Claim 5 was rejected under 35 U.S.C. § 102(b) as being anticipated by Korpela (U.S. Patent No. 5,946,634); and Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Korpela in view of Rydbek.

Claims 1, 5 and 6 are amended to recite identifying a radio signal having the maximum reception strength, and specifying the communication service provided by the communication system corresponding to the maximum reception radio signal. Support for this amendment is found in Applicant's originally filed specification.¹ No new matter is added.

Briefly recapitulating, amended Claim 1 is directed to a communications terminal capable of using a plurality of radio communication services respectively provided by a plurality of radio communication systems establishing a shared radio communication system. The terminal includes a hardware processing unit for performing common hardware processing necessary for using the radio communication services; an IC card that stores a plurality of communication software packages necessary for the respective radio communications services; a software selects unit that selects one communication of the software package out of the communication software packages stored in the IC card. The selected software package corresponds to a communication service to be used. The terminal also includes a software executing unit that executes the selected communication software

¹ Specification, page 9, lines 16-28.

package. The terminal is further configured to identify a radio signal having a maximum reception strength and specifying the communication service provided by the communication system corresponding to the maximum reception radio signal.

Rydbek describes a method and apparatus for communications between a mobile telephone and at least one communications network not supported by the mobile telephone. A converter interfaces to the mobile telephone to support said communications. The converter includes a controller for controlling operations of the converter and for selecting a communications network for use by the mobile telephone.² In Rydbek a controller 160 has knowledge of which communication protocols are supported by the mobile telephone 100 based on which communications modules 120 are attached to the converter 110. Thus, the controller 160 determines which communication networks 200 are available in the current location of the mobile telephone 100. When communication is to be established with the mobile telephone 100, the controller 160 selects one of the communication networks 200 and connects the man machine interface 105 via interface 230 and switch 120.³ When communication is to be established with a mobile telephone, the controller selects a network and associated communications module (step 330) based on any pre-programmed criteria. Examples of this pre-programmed criteria described in Rydbek include a user selected priority or priority based on cost.⁴ However, Rydbek does not disclose or suggest identifying a radio signal having a maximum reception strength, and specifying a communication service provided by a communication system corresponding to the maximum reception radio signal.

Korpela describes a mobile terminal 10 having multiple alternative protocol stacks (151, 152...) which correspond to the protocols used on mobile backbone networks (30a-30c) to which the mobile terminal can obtain access. A radio access network 20 broadcasts signals 102 indicating the types of backbone network to which it is connected, and on counteracting a

² Rydbek, Abstract.

³ Rydbek, column 3, lines 35-51 and column 4, lines 50-66.

⁴ Rydbek column 5, lines 39-43.

signal indicating a new type of backbone network, a mobile terminal 10 may download a new protocol stack from the radio access network.⁵ The mobile terminal 10 may, in idle mode, detect network identification and network type signals from a plurality of backbone networks via each radio access network. When a user wishes to initiate a session, either a voice call or a data session using a computer, etc., the terminal control device 15 determines the type of session (i.e., the application) and selects the best available protocol to use (if several different data formats could support possession). According to Korpela, the choice may take into account cost and quality of service factors discussed in [non-applied] PCT application WO 96/28947. However, like Rydbek, Korpela fails to disclose or suggest identifying a radio signal having a maximum reception strength, and specifying the communication service provided by the communication system corresponding to the maximum reception radio signal.

MPEP § 2131 notes that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art.” *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in “at least one of two-digit, three-digit, or four-digit” representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236,

⁵ Korpela, Abstract.

9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because none of the applied references disclose or suggest all the features recited in Claims 1, 5 and 6, none of the applied references anticipate the invention recited in Claims 1, 5 and 6, and all claims depending therefrom.

Furthermore, as none of the cited prior art, individually or in combination, disclose or suggest all the elements of independent Claims 1, 5 and 6, Applicants submit the inventions defined by Claims 1, 5 and 6, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.⁶

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073
Michael E. Monaco
Registration No. 52,041

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\MM\AMENDMENT\226094\240688US.AM DUE 9-8-05.DOC

⁶ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."